

The President announced that the hour for special order had arrived, viz., House bill No. 221, "An act to regulate the testimony of witnesses in cases of bribery."

Senator Finlay moved to refer the bill to Judiciary Committee No. 2. Lost.

Senator Pyle moved to indefinitely postpone the bill. The motion was adopted by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor and Tendick—15.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

Senator Broughton moved to reconsider the vote just taken.

A message was received from the House informing the Senate that the House had passed House bill No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county."

Also, Senate joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glorietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Sante Fé, in New Mexico, during the late war.

House bill No. 181, "An act for the sale of State bonds to meet the liabilities due from the State of Texas," together with the report of committee recommending Senate bill No. 132, as amended by the committee, as a substitute for the House bill, taken up, and the amendments of the committee adopted.

On motion of Senator Flanagan, the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER, }  
AUSTIN, TEXAS, March 11, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present.

Journal of yesterday read and adopted.

A message was received from the House informing the Senate that the House had passed House bill No. 309, "An act to repeal the third, twenty-sixth and twenty-sev-



enth sections, and to amend the first and eighth sections, of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, approved April 12, 1871."

Senator Pyle, chairman of the Committee on Agriculture, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Agriculture, to whom was referred Senate bill No. 161, to be entitled "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association," after careful consideration of the same, report it back with the recommendation that it do pass. W. H. PYLE, Chairman.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 92, entitled "An act to amend an act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871," having had the same under careful consideration, instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 102, entitled "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, A. D. 1856," having carefully examined the same, instruct me to report it back to the Senate, with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 270, entitled "An act validating certain land titles in Ellis county," ask leave to report the same back and recommend its reference to the Committee on Private Land Claims.

JOHN L. HENRY, Chairman.



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 109, entitled "An act to incorporate the town of Giddings, in Washington county," after a careful consideration of the bill instruct me to report the same back to the Senate and recommend its passage with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend by striking out all of the first part of the section down to and including the word "they" in line four, and inserting the following: "That \* \* \* \* \* be and they are hereby appointed a board of commissioners, a majority of whom shall constitute a quorum for business, whose duty it shall be within...days after the passage of this act to hold a meeting and provide for calling an election in said town for a mayor and five aldermen, to be elected by the qualified voters of said town. Said commissioners shall open polls in said town, and shall hold and conduct said election, and make returns thereof, in accordance with the laws of this State governing elections. They shall give at least ten days notice of said election by posting written notices of the same in at least five prominent places in the town. The mayor and aldermen elected at said election shall hold their offices for one year, and."

Amend section three by striking out all after the word "shall" in line twelve, down to and including the word "peace" in line thirteen, and inserting the following: "Have such criminal jurisdiction in the trial of all violations of the ordinances of the town, as is conferred by law on justices of the peace in similar cases."

Amend section four, line three, by inserting after the word "ordinances," the words "not inconsistent or in conflict with the Constitution and laws of the United States or of this State."

Amend section six, line three, by striking out the word "citizen" and inserting the words "registered voter."

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 146, entitled "An act to amend an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856," having carefully examined the same, instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.



Senator Sayers, chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills, to-wit:

Senate bill No. 133, supplement to an act entitled "An act to incorporate the Western Narrow Gauge Railway."

Senate bill No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railroad Company, approved August 13, 1870."

J. D. SAYERS, Chairman.

Senator King introduced a bill to be entitled "An act to amend the eighth section of an act to encourage stock raising, and for the protection of stock raisers, approved May 22, 1871." Read first time and referred to the Committee on Stock and Stock Raising.

Senator Avinger introduced a bill to be entitled "An act to incorporate the Jefferson Institute." Read first time and referred to the Committee on Education.

Senator Saylor introduced a bill to be entitled "An act for the relief of Hugh Reed." Read first time and referred to the Committee on State Affairs.

Senator Broughton introduced a bill to be entitled "An act authorizing the Police Court of Grayson county to contract for the building of a court house in said county." Read first time and referred to the Committee on State Affairs.

Senator Shelley introduced a bill to be entitled "An act providing for the establishment of the Texas Military Institute and State Normal Academy." Read first time and referred to the Committee on Education.

The unfinished business was then taken up, viz., the adoption of the Senate bill confirming the outstanding debt of the State and providing for the settlement of the same, substitute for House bill No. 181, "An act to provide for the sale of State bonds to meet the liabilities due from the State of Texas."

Pending a discussion of the question, the hour arrived for considering the special order, viz., a bill to amend "An act for the relief of the Eastern Texas Railroad Company," passed March 20, 1871.

Senator Swift moved to postpone the pending business, and take up the special order. Lost by the following vote:



Yeas—Senators Flanagan, Henry, Rawson, Shelley, Swift, Tendick and Mr. President—7.

Nays—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Latimer, Pyle, Randle, Ruby, Saylor, Sayers and Word—21.

On motion of Senator Saylor the special order was postponed until the pending business was disposed of, and to be taken up immediately upon the disposition of the same.

Senator Dillard in the chair.

A message was received from the House informing the Senate that the House had passed a bill originating in that body, setting apart one-half of the public domain for the support and maintenance of public schools.

Senator Shelley proposed to amend the first section, line three, of the pending bill, by inserting after the word "State," the words "or so much thereof as may be necessary." Adopted.

Also to substitute section seven by the following: "That the laws heretofore enacted for the payment of interest, and to create a sinking fund for the redemption of the bonds of the State heretofore issued, shall remain in force until all of said bonds have been substituted by the bonds herein provided, or the same have been redeemed or paid, and no longer; and the provisions of this act shall be construed to substitute and repeal all laws providing for the payment of interest and creating a sinking fund, otherwise conflicting therewith." Adopted.

Senator Dohoney proposed to amend section two, line twenty-one, by inserting after the word "proceeds," the words, "*provided*, no bonds shall be sold at a less rate than ninety cents on the dollar." Lost by the following vote:

Yeas—Senators Avinger, Dillard, Dohoney, Gaines, Henry and Mr. President—6.

Nays—Senators Baker, Ball, Cole, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Hall, King, Latimer, Pyle, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—22.

Senator Henry offered the following amendment: Amend section six by adding the words, "*provided*, that such agent shall only receive pay for the number of days he may be actually and necessarily engaged in carrying



out the provisions of this act, and he shall not be allowed or paid any compensation except upon itemized statements verified by his affidavit."

On motion of Senator Flanagan, the amendment was laid on the table.

Senator Pickett offered the following amendment: Amend section three, line three, by striking out the words "one-tenth of one per cent.," and insert "two cents." Lost.

The question then recurring upon the adoption of the Senate bill as a substitute for the House bill, the same was put and substitute adopted by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Frank, Gaines, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Tracy—24.

Nays—Senators Dillard, Henry, Word and Mr. President—4.

The substitute was adopted and the bill passed to third reading.

On motion of Senator Shelley, the rule was suspended and bill read third time.

Senator Shelley proposed to amend as follows:

SEC. 7. That the sum of \$10,000, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act. Adopted.

Change section seven to section eight. Adopted.

Senator Latimer reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I beg leave respectfully to invite yourself and the Senate to attend an examination of the pupils of the Institution for the Deaf and Dumb, to take place in the Hall of the House of Representatives, on Wednesday, the twelfth instant, commencing at 8 o'clock P. M.

J. VAN NOSTRAND, Superintendent.

The question being the final passage of the bill, the same was put and the bill passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Mr. President—25.



Nays—Senators Dillard, Franks, Henry and Word—4.

Senator Fountain introduced a bill to define and establish the boundary line between the counties of Live Oak and Nueces. Read first time and referred to the Committee on Counties and County Boundaries.

Also, a bill to incorporate the El Paso Real Estate, Trust and Immigration Company. Read first time and referred to Judiciary Committee No. 1.

Senator Cole moved to adjourn until 10 o'clock to-morrow. Lost by the following vote:

Yeas—Senators Ball, Cole, Hall, Randle and Tracy—5.

Nays—Senators Avinger, Baker, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Henry, King, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—21.

The special order, viz., Senate bill No. 145, "An act for the relief of the Eastern Texas Railroad Company, passed twenty-sixth of March, A. D. 1871," was taken up.

Senator Dohoney moved to engross the bill.

Senator Franks offered the following amendment: Strike out all of section one, after the word "road," in line eighteen.

On motion of Senator Tracy, the Senate adjourned till 10 o'clock to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, March 12, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Dohoney presented a memorial of N. P. Lawson, praying for an act requiring land certificates to issue to the heirs of Joseph Percival. Read and referred to the Committee on Private Land Claims.

A message was received from the House, informing the Senate that the House had passed Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop."

Senate joint resolution No. 22, "Authorizing the Governor to adjust the matter of the hypothecation of certain bonds with Williams & Guion, in the city of New York."